

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

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THE ANNUITY, PENSION, WELFARE and APPRENTICESHIP
SKILL IMPROVEMENT AND SAFETY FUNDS of the
INTERNATIONAL UNION OF OPERATING ENGINEERS,
LOCAL 137, 137A, 137B, 137C & 137R, AFL-CIO by its
TRUSTEES EDWARD KELLY, JEFFREY LOUGHLIN,
PETER PATERNO, ROSS PEPE, NICHOLAS SIGNORELLI
and NICHOLAS SIGNORELLI, JR., and JOHN and JANE DOE,
as Beneficiaries of the ANNUITY, PENSION, WELFARE and
APPRENTICESHIP SKILL IMPROVEMENT AND SAFETY
FUNDS of the INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 137, 137A, 137B, 137C & 137R,
AFL-CIO,

DEFAULT JUDGMENT

08-CIV-2090 (WCC)

ECF CASE

Plaintiffs,

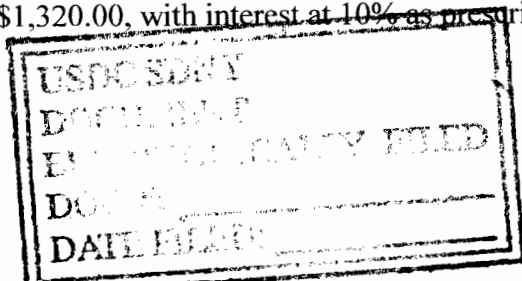
-against-

EARTHCON INDUSTRIES, INC.,

Defendant.
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This action having been commenced on March 3, 2008 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been personally served on the Defendant EARTHCON INDUSTRIES, INC. on April 16, 2008, by a Process Server, personal service upon Patsy Fraioli, the Managing Agent of said Defendant and a person of suitable age and discretion, and a proof of service having been filed on April 28, 2008 via the ECF System, and the Defendant not having answered the Complaint, and the time for answering the Complaint having expired, it is,

ORDERED, ADJUDGED AND DECREED: That the Plaintiffs have judgment against the Defendant in the principal amount of \$6,598.40, liquidated damages in the amount of \$1,320.00, with interest at 10% as prescribed by the applicable Collective Bargaining Agreement



GIVEN
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from October 1, 2005 through May 9, 2008, in the amount of \$1,721.50, together with the costs and disbursements of this action in the amount of \$425.00 and attorneys' fees in the amount of \$1,311.00, for a total liquidated amount of \$11,375.90, and it is further

ORDERED that the Judgment rendered by the Court on this day in favor of the Plaintiffs be entered as a final judgment against Defendant EARTHCON INDUSTRIES, INC. and the Clerk of the Court is directed to enter such Judgment forthwith.

Dated: White Plains, New York
June 13, 2008

SO ORDERED:

William C. Conner
The Honorable William C. Conner
Senior United States District Judge